

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: John Rayson, 954.566.8855

PREPARED BY: Lauren Rice

SUBJECT: Ordinance

AFFECTED DISTRICT:

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: MORATORIUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR NON-COMFORMING LOTS PURSUANT TO SECTION 12-38 OF THE TOWN CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE {Approved on first reading on April 7, 2010. The vote is as follows: Mayor Paul - yes; Vice Mayor Starkey - yes; Councilmember Caletka - yes; Councilmember Hattan - yes; Councilmember Luis - yes} (Motion carried 5-0)

REPORT IN BRIEF: Section 12-81 of the Town of Davie Code of Ordinances establishes minimum lot sizes for various residential districts. Section 12-38 of the Code of Ordinances allows a building to be erected on an undersized lot (notwithstanding current zoning standards establishing minimum size lots) if the building would have been permissible prior to the current regulation and if the lot was shown on a recorded map, plat, drawing, or survey prior to the adoption of the current regulations. The Town is working on amendment of the Code of Ordinances to correct inconsistent Code provisions that may lead to building permits being issued in violation of the current zoning standards. A 90 day moratorium on the issuance of permits for development of undersized lots would benefit the Town as the amendment is drafted.

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

RECOMMENDATION(S): Motion to approve ordinance

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR NON-CONFORMING LOTS PURSUANT TO SECTION 12-38 OF THE TOWN CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 12-81 of the Town of Davie Code of Ordinances, the Town's current zoning regulations establish a minimum lot size for the various residential districts; and

WHEREAS, pursuant to Section 12-38 of the Town of Davie Code of Ordinances, a building may be erected on an undersized lot, notwithstanding the current zoning standards establishing minimum lot sizes, if the building would have been permissible prior to the current regulations and if the lot was shown on a recorded map, plat, drawing or survey prior to the adoption of the current regulations; and

WHEREAS, the Town is actively working on amendment of the Code of Ordinances to correct inconsistent Code provisions that may lead to building permits being issued in violation of the current zoning standards, but has not completed this task and would benefit from 90 days of moratorium on the issuance of permits for development of undersized lots;

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. Recitals. The above recitals are true, correct and incorporated herein by reference.

SECTION 2. Moratorium Established. The Town Council of the Town of Davie does hereby establish a 90-day moratorium on the issuance of permits for the

development of undersized lots pursuant to Section 12-38 of the Town Code of Ordinances.

SECTION 3. Effective Date and Duration. This Ordinance shall take effect immediately upon its passage and adoption and shall remain in full force and effect for 90 days thereafter.

SECTION 4. PASSED AND ADOPTED THIS ____ DAY OF _____ 2010.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____ 2010.